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May 27, 2004

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Ms. Marlene H Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands* – WT Docket No. 03-66

*Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1 6/2 4 GHz Bands* – IB Docket No. 02-364

**NOTICE OF EX PARTE PRESENTATION**

Dear Ms Dortch:

Yesterday, the undersigned met on behalf of the Wireless Communications Association International, Inc. ("WCA") with Uzoma Onyeije and John Schauble of the Wireless Telecommunications Bureau regarding the *Notice of Proposed Rulemaking* ("NPRM") in the above-referenced proceedings.

WCA reiterated its continuing opposition to the adoption of any bandplan in WT Docket No. 03-66 that would create new Multipoint Distribution Service ("MDS") channels to be auctioned. WCA noted that a reduction in the bandwidth of channels would have an adverse impact operational impact, particularly in situations where non-synchronized technologies are utilized on adjacent channel groups. The staff was reminded that in order to create the Middle Band Segment and the associated Transition Bands, licensees who today are utilizing all 24 MHz of their spectrum for the provision of data services would only have 16.5 MHz of spectrum under the Coalition Proposal, and that further reductions would further reduce system capacity to the detriment of licensees, system operators and the public. WCA also stressed that there are systems in operation today that were utilizing the entire band in a highly efficient manner and would have to reduce services to the public if spectrum were taken to be auctioned.

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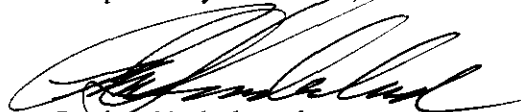
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WCA expressed a willingness to explore possible bandplans that would incorporate MDS channels 1 and 2, provided that the Commission's technical and operational rules allowed those channels to be used in a full and effective manner and provided that accommodations were made for multichannel video programming distributors that opt-out of the transition to the new bandplan. WCA emphasized that if the bandplan were to extend into the 2490-2500 MHz band and were any MDS or Instructional Television Fixed Service ("ITFS") channel to be placed adjacent to the Mobile Satellite Service ("MSS"), the Commission must provide for the same 2 MHz separation between the MSS Ancillary Terrestrial Component ("ATC") that currently exists, must continue to require that ATC operations meet the requirements imposed under Section 25.255 of the Rules, and must impose on the closest MDS/ITFS licensee no restrictions relative to MSS/ATC more restrictive than those under the current rules. WCA noted that this would still result in a substantial allocation for MSS in the 2483.5-2494 MHz band, and would increase the amount of spectrum available for ATC operations.

In addition, WCA stressed the importance of assuring that multichannel video programming distributors that opt-out of the transition consistent with the Coalition Proposal do not suffer any loss in capacity as a result of MDS relocation. WCA noted the impossibility of achieving that objective if only spectrum within the existing 2.5 GHz band is utilized for relocation. WCA therefore noted that some additional spectrum outside the existing band is required to accommodate such situations, and that consistent with the existing microwave relocation rules, the winner of the Advanced Wireless Service auction responsible for relocation must provide on that additional spectrum, at its sole cost, a system that is capable of serving all of the customers then being served over the MDS 1 and 2 channels and that provides the same throughput capacity. WCA emphasized that under the microwave relocation rules, the costs of additional equipment (base stations, base station towers, point-to-point microwave interconnections, new subscriber equipment, etc.), the costs of additional tower rent if a cellularized system is necessary, and other recurring expenses must be reimbursed for five years from relocation.

Pursuant to Section 1.1206(b)(2), this notice and three copies are being filed with the Office of the Secretary for inclusion in the public record of the above-reference proceedings. Should you have any questions regarding this summary, please contact the undersigned.

Respectfully submitted,



Paul J. Sinderbrand

Counsel to the Wireless Communications  
Association International, Inc.

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cc: Uzoma Onyeije  
John Schauble